

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8		
I hereby certify that this correspondence, totaling 18 pages including rechecked attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9306 (Central number) on the below date:		
Date: <u>June 30, 2005</u>	Name: <u>David W. Okey</u>	Signature: <u>[Signature]</u>

BRINKS  
HOFFER  
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& LIONE

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Foster et al.  
Appln. No.: 10/617,580  
Filed: July 11, 2003  
For: FLEXIBLE CANNULA

Examiner: Charles H. Sam  
Art Unit: 3731

Attorney Docket No: 10922/51

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### TRANSMITTAL

Sir,

#### Attached is/are:

☒ Petition and Fee for Extension of Time; Response to Office Action; and Statement of Prior Invention Under 37 C.F.R. § 1.131.

☐ Return Receipt Postcard

#### Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	or Rate	Add'l Fee
Total					x \$25=		x \$50=	
Indep.					x 100=		x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=		+\$360=	
Total					\$		Total	\$

#### Fee payment:

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of \$120. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.18 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

30 Jun 2005  
Date

Respectfully submitted,

[Signature]  
David W. Okey (Reg. No. 42,959)